

Stafford Hall School Complaints Policy

Concerns and Complaints

The school has a comprehensive policy and procedure for dealing with concerns and complaints. This document is available to all interested and relevant parties and is subject to regular review. Pupils have an awareness of their own specific complaints procedure and this is communicated in a way differentiated to them. This is the subject of discussion during student council, assemblies, key worker sessions and questionnaires, designed to identify how certain situations are perceived by pupils and, where necessary, change practice.

Parents have general means of expressing concerns, including regular contact with the student's key worker and a formal means via a complaints pro-forma.

Where complaints cannot be dealt with effectively internally, they are referred to the Directors or indeed LA. Accurate records are maintained and all relevant parties are kept informed of the details, action and outcome.

The school believes that it is the responsibility of all its community members to report any incident or concern, which may be detrimental to the general well-being of its pupils.

Pupils

The access to complain will be differentiated to the needs of the pupil and their communication. This will include visual support and the use of ICT. Pupils can post concerns in the post box or indeed talk to their staff member who will record the instance.

Informal solutions:

Where possible any concern or complaint can be dealt with informally and immediately by discussion/informal meeting where both parties are then satisfied with the end result

Directors of Stafford Hall School have adopted the following policy to deal with complaints from members of the school community or general public Dealing with concerns at the earliest opportunity

If parents, pupils or members of the public have concerns they should:

1. Discuss their concerns with the member of staff most directly involved *a. and, if not satisfied;*

2. Discuss their concerns with a senior member of staff *and, if not satisfied;*

We expect the majority of concerns will be resolved in this way (and not recorded as a formal complaint). However if not the following formal procedure will be followed

3. Discuss their concerns with the Headteacher. This is ***Stage 1 of the formal process***

At each stage in the procedure, schools will want to keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an appropriate apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- a commitment to review school policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Directors or CExec.

Principles informing our complaints procedure

This procedure is designed to:

- be well publicised and easily accessible
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time limits for action and keeping people informed of the progress
- allow a mediation process if agreed by the complainant
- allow for a hearing of a panel of Directors, where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of issue, provide an effective response and appropriate redress where necessary
- provide information to the school's Senior Management Team so that services can be improved.
- Ensure a full and fair investigation by an independent person where necessary.....there isn't really any reference in the document to investigations being undertaken by independent people

Making a Complaint to the Governing Body - Stage 2

Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Managing Director/Director at the school address. The envelope should be marked 'FOR IMMEDIATE ACTION' 'PRIVATE AND CONFIDENTIAL' and staff in the school office must ensure that the letter is forwarded without delay.

The complainant will be asked to complete a complaint form if they have not already done so. The Managing Director/Director will offer to help an individual to complete the form if appropriate

On receipt of the complaint form they will:

- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right.

At this point they will decide whether the complaint should go straight to the' complaints panel or whether a mediation stage should be offered. Mediation can only proceed if the complainant and the Headteacher are willing for it to be tried. If mediation is not successful, the complaint will be considered by the directors' complaints panel.

Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Headteacher another opportunity to hear each other's points of view (with a third party facilitating)
- It gives the third party an opportunity to help Headteacher and complainant identify and build on areas of agreement
- It gives Headteacher and complainant a structure within which they can resolve remaining differences.

If both complainant and Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.

- Even if the complaint continues to a directors' panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part.
- an appropriate apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an acceptance that the complaint needs go no further
- a commitment to review school policies in light of the complaint.

See Appendix for Mediation facilitator options **Directors' Complaints Panel**

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of Directors

Establishing a complaints panel

The governing body should agree the composition of the complaints panel at the first meeting of the governing body each year.

As directors may not be available at all times governing bodies are advised to agree the names of 4 or 5 possible directors from whom a panel of three may be drawn. The decision about the membership of a particular panel will depend on factors such as availability, whether any directors have prior knowledge or have a conflict etc. and the decision will be made by the chair of directors.

When the clerk of directors receives a copy of the complaint form he/she will inform the governing body that a complaint has been received and that it has been passed to the panel to deal with. **No further information about the complaint should be shared with other directors.**

There are several points which any governor sitting on a complaints panel needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant
- c) The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial

The Chair of the Panel will be nominated by the Chair of Directors and is responsible for ensuring that both complainant and Headteacher are given a fair hearing and that the panel arrives at its judgment without fear or favour.

Remit of the panel: the complaints panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur.

It may:

- Consider and, if appropriate, criticise the way in which an operational decision was communicated— **but cannot overturn the decision itself**
- Consider the thoroughness with which the Headteacher investigated a complaint about a member of staff — **but cannot expect the Headteacher to provide details about confidential discussions with that staff member.**
- Consider the manner in which a complaint about any decision was addressed ask for the decision to be reviewed— **but cannot expect the Headteacher to have changed the decision**
- Consider and, if appropriate, identify limitations in a policy or procedures — **but cannot make changes to the policy.** (It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy)
- Consider whether it should recommend that the governing body offer appropriate redress

Format of a Panel Hearing

1. Complainant and Headteacher will enter the room where the hearing is taking place together.
2. The chair will introduce the panel members and the clerk and outline the process.
3. The complainant is invited to explain the complaint,
4. The Headteacher may question the complainant
5. The panel will question the complainant
6. The Headteacher is then invited to explain the school's actions
7. The complainant may question the Headteacher
8. The panel will question the Headteacher
9. The complainant is then invited to sum up their complaint.
10. The Headteacher is then invited to sum up the school's actions and response to the complaint.
11. The chair explains that both parties will hear from the panel within five working days.
12. Both parties leave together while the panel decides on the issues.
13. The clerk will remain with the panel to clarify any issues

Notes

The hearing should be made as unthreatening as possible to all parties.

The panel may ask questions at any point. Panel members must find ways to ask probing questions while maintaining impartiality.

The Headteacher must have no contact with members of the directors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means that Headteacher and complainant enter and leave the room where the hearing is held together.

The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing —there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

Some notes on exceptional circumstances

For the sake of clarity, the description above does not cover exceptional circumstances which might include:

1. The chair of directors may not be able to find three directors who have no prior knowledge of the case

If a case has become a major talking point around the community, the chair can nominate three directors with minimal prior knowledge

If there are still insufficient directors able to sit on a panel, the governing body in consultation with the Local Authority or Diocese will put in place an alternative fair process.

Please consult Governor Services in the first instance on

A complaint to the directors' complaints panel will never be against a junior member of staff (it may be against the way the Headteacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the Headteacher. That would need to be considered very carefully but if agreed the senior manager would be 'the Headteacher' for the purpose of the panel.

There may be exceptional circumstances in which the complaint is against the chair of directors —e.g. for refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Headteacher' would be read as 'chair of directors'.

Writing the decision letter

The clerk should ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant with a copy to the Headteacher.

The letter should clearly express how seriously the panel considered the complaint.

The clerk should be careful that the letter sticks to the facts and gives no hint of partiality. The clerk should ensure that the letter reaches the complainant and the Headteacher by the deadline stated in your policy and/or in a statement by the chair at the end of the hearing — usually five working days.

Monitoring Complaints

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and 9 | Page review of complaints by the school and Governing Body can be useful to evaluating the school's performance. Any discussion of complaints by the Governing Body or others in the school community should not name or be able to identify individuals.

Timescales

Complaints need to be considered and resolved as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Head and the Directors will sometimes receive complaints from parents whose children have left the school. A question of reasonableness arises here and schools will need to consider the time that has elapsed, staff changes, availability of records needed to investigate complaints and the nature of the complaint (for example vexatious complaint).

To allow for a proper investigation, it is advised that complaints should be brought to the attention of the school as soon as possible. Any matter raised more than three months after the event being complained of, should not be considered, save in exceptional circumstances.

Investigation of any complaint or review request will begin **within five school days of receipt of the same**, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

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HOW TO COMPLAIN

Who Can I Complain to?

You can complain to any of your carers or to your social worker, or if you want to speak to someone outside your placement you can speak to an adult who you trust and feel comfortable with, for example a parent, teacher or relative.

If you would rather speak to someone who doesn't know you, there are helpline numbers on the next page.

All telephone calls are confidential. These people will just listen to you, if that is what you want or they can sometimes offer advice on what to do and who can help you.

What can I complain about?

- ☞ Do you get privacy on the telephone?
- ☞ Are you treated as an equal?
- ☞ Do you get listened to?
- ☞ Do you get a healthy balanced diet?
- ☞ Do your feelings get taken into consideration?

You can complain about anything that you are not happy with.

You can either fill in a Complaint Form yourself or with help from staff or someone who you feel comfortable with.

USEFUL HELPLINE NUMBERS

ChildLine **0800 1111**

NSPCC **0808 800 5000**

National Youth Advocacy Service **0151 342 7852**

CQC **03000 616161**

Young Foundations Head Office **01325 366365**

Please turn over if you wish to make a complaint.

COMPLAINT FORM

Date _____

My Full Name is _____

I live at _____

I would like to make a complaint about: _____

I am unhappy because: _____

What would I like to be done about this problem:

Who would I like to deal with my problem:
